

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUIS G. MUNOZ-ROSARIO, ET AL.,

Plaintiff,

v.

**CARIBE GENERAL CONSTRUCTORS,
INC.,**

Defendants.

CIVIL NO. 21-1371 (PAD)

MEMORANDUM AND ORDER

Delgado-Hernández, District Judge.

Before the court is defendant's "Motion to Dismiss Claims Under Rule 12(b)(6)" (Docket No. 7), which plaintiffs opposed (Docket No. 12). Defendant replied (Docket No. 15). In the main, it asserts that plaintiffs received the EEOC's right-to-sue letter on May 7, 2021, which would make the federal claims untimely (Docket No. 7, at p. 6). Plaintiffs counter that they received the letter on May 14, 2021 (Docket No. 12, at p. 1).

After carefully reviewing the record, defendant's motion to dismiss is denied. Still, a 60-day discovery period running up to May 17, 2022, is set for the parties to engage in discovery on the specific issue regarding the date of receipt of the right-to-sue letters. Thereafter, defendant will have 15 days to file, if appropriate, a potentially dispositive motion based on this issue. Otherwise, within that 15-day period, defendant shall answer the complaint. In light of this ruling, the motion at Docket No. 17 is denied as moot.

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SO ORDERED.

In San Juan, Puerto Rico, this 18th day of March, 2022.

s/Pedro A. Delgado-Hernández

PEDRO A. DELGADO-HERNÁNDEZ

United States District Judge